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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/594,973 | 09/29/2006 | Hideaki Mukaida | 063113 | 8181 |
| 38834 | 7590 | 09/30/2008 | EXAMINER | |
| WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP | | | TO, BAOQUOC N | |
| 1250 CONNECTICUT AVENUE, NW | | | | |
| SUITE 700 | | | ART UNIT | PAPER NUMBER |
| WASHINGTON, DC 20036 | | | 2162 | |
| | | | | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 09/30/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/594,973 | MUKAIDA ET AL. | |
| | Examiner | Art Unit | |
| | BAOQUOC N. TO | 2162 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 September 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 September 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>09/29/2006, 11/09/2006, 12/18/2006 and 07/10/2008</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1 In response to the Restriction Requirement dated on 08/09/2008, Applicant elected Group I, claims 1-10 for prosecution without traverse. Applicants are advised to cancel the Non-elected claims from 11-20 in response to this Office Action.

Claims 1-20 are pending and claims 1-10 are elected for prosecution.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been received.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 09/29/2006, 11/09/2006, 12/18/2006 and 07/10/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. (US. Patent No. 6,952,522 B2).

As to claim 1, Takahashi discloses an information recording method which is a file system managing files hierarchically by files having information and a directory which is a storage place of a plurality of files, wherein a file system which writes in and reads from a recording medium per predetermined unit is used, and predetermined information is first recorded in a work sector before performing primary recording as well as the number of mountings of the file system is further recorded in the work sector (the location and attributes such as the number, the recording data & time and the file name of each file on the disc are controlled by referencing the FAT 11. The FAT 11 is used for controlling the information on files in smallest access units, typically sector units, used by the system, that is, the signal recording/playback apparatus for making an access to disc...) (col. 5, lines 56-63).

As to claim 2, Takahashi discloses the information recording method according to claim 1, wherein the work sector comprises two sectors, and wherein the number of mountings is recorded in a first sector, and information contents to be recorded are recorded in a second sector (program 1 is recorded by splitting the data into 3 segments forming a pattern along a straight line..) (col. 5, lines 66 to col. 6, lines 1-3).

As to claim 3, Takahashi discloses the information recording method according to claim 2, wherein the work sector is located in a work sector area having a plurality of

sectors, and the work sector is determined when the file system is mounted (disc is mounted...) (col. 5, line 50).

As to claim 4, Takahashi discloses the information recording method according to claim 3, wherein the predetermined information is information about a directory (file system) (col. 6, line 13).

As to claim 5, Takahashi discloses the information recording method according to claim 4, wherein the file system is a FAT file system (FAT) (col. 5, line 55).

As to claim 6, Takahashi discloses a device for recording and/or reproducing information, wherein the information recording method according to any one of claims 1 (recording/playback apparatus) (col. 5, lines 50-54), 2, 3, 4 or 5 is used.

As to claim 7, Takahashi discloses an information recording method which is a file system managing files hierarchically by files having information and a directory which is a storage place of a plurality of files, wherein a file system which writes in and reads from a recording medium per predetermined unit is used, and information about the directory is separated by a predetermined offset and a plurality of the information pieces are written in the predetermined unit (an additional signal is not split into segments to be each recorded into a free area with a length smaller than a predetermined value, typically a equivalent of 1-minute recoding/play back length) (col. 5, lines 36-39).

As to claim 8, Takahashi discloses the information recording method according to claim 7, wherein the file system is a FAT file system (FAT, file allocation table) (col. 5, line 55).

As to claim 9, Takahashi discloses the information recording method according to claim 7, wherein the predetermined offset is half of the predetermined unit, and the information about the directory is doubly written (an additional signal is not split into segments to be each recorded into a free area with a length smaller than a predetermined value, typically a equivalent of 1-minute recoding/play back length) (col. 5, lines 36-39).

As to claim 10, Takahashi discloses a device for recording and/or reproducing information, wherein the information recording method according to any one of claims 7 (recording/playback apparatus) (col. 5, lines 50-51), 8 or 9 is used.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

/Baoquoc N To/

Primary Examiner, Art Unit 2162

September 26th, 2008